

## REMARKS

### **AMENDMENTS TO THE SPECIFICATION**

None.

### **AMENDMENTS TO THE CLAIMS**

Original Claims **1-20** have been cancelled. New Claims **21-40** have been added in their place. The new claims are essentially the same as those presented previously in applicants' Response to Final of September 4, 2007. Since the 09/04/2007 claims were not entered per the Advisory Action of September 21, they are presented again here. As such, these claims do not constitute new matter.

### **CLAIM OBJECTIONS AND REJECTIONS**

Original claims 1-20 stand as rejected under 35 USC 102 (e) as being anticipated by Cliff (US 2002/0172379 A1). It is said that Cliff discloses a method of generating a sound transition between a first audio work and a second audio work, wherein a first transition pattern is selected for said first audio work, a second transition pattern is selected for said second audio work and wherein said transition pattern creates a sense of movement in a listener. The first and second transition patterns are said to provide an audio transition between said first and second audio works. The transition is said to be played through said audio speakers according to the selected transition pattern, thereby creating an impression of movement of the sound sources around a listener.

With respect to the above identified rejection, the cancellation of Claims **1-20** above has made this rejection moot.

However, with respect to new claims **21 - 40**, note that these claims have been amended as compared with the originally filed claims to make clear that the claimed invention operates within a multi-channel surround sound environment, wherein at least four audio speakers are arrayed in a spaced-apart configuration on at least four different sides of a listener. Cliff does not disclose or teach an application in a multi-channel surround sound environment with at least four audio speakers wherein these audio speakers are positioned on at least four different sides of a listener. Nothing in Cliff suggests that he intends his invention to be applied in other than a conventional stereo speaker environment. Additionally, extension of Cliff's method to a multi-channel surround sound environment would not result in a transition that imparts an impression of movement to a listener as is taught by the instant invention. Cliff's approach would only provide a volume-corrected transition between different audio works in all connected speakers at the same time. What would be lacking in such an instance, of course, is that the listener would not experience a perceived movement of the first and second audio works between at least four sides of the listener. Thus, Cliff as applied to the instant invention would be inoperable to achieve its stated goals.

Thus, Cliff does not show each and every element of the claimed invention as-amended arranged as in the claim and, as such, a rejection under Section 102 is not appropriate.

In summary, it is believed that the instant claims as amended are patentable over Cliff and that this case is in condition for allowance.

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In view of the foregoing, the applicants believe that the rejections and objections offered by the Examiner have been overcome and should be withdrawn. The claims as-filed are in condition for allowance and should be passed to the issue branch. Early and favorable action is earnestly solicited.

Respectfully Submitted,

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Date



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